

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

**ALLOC, INC., a Delaware corporation,
BERRY FINANCE N.V., a Belgian corporation, and
VÄLINGE INNOVATION AB,
(f/k/a, VÄLINGE ALUMINUM AB), a Swedish corporation,**

Plaintiffs-Counterclaim Defendants,

V.

CASE NUMBER: 00-C-999

PERGO, L.L.C., a Delaware limited liability company,

Defendant-Counterclaimant.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of the defendant-counterclaimant Pergo, L.L.C., and against the plaintiffs-counterclaim defendants Alloc, Inc., Berry Finance N.V., and Välinge Innovation AB, on the plaintiffs' patent infringement complaint.

Pergo's motion for summary judgment of non-infringement based on lack of play is **GRANTED**.

Pergo's counterclaim for non-infringement of the RE 439, '267, '907, '410, and '579 patents is **GRANTED**.

Pergo's motion for summary judgment on the grounds of laches is **DISMISSED**.

Pergo's motion for summary judgment of no infringement of the asserted method claims is **DISMISSED**.

Pergo's motion for summary judgment of no willful infringement is DISMISSED.

Pergo's remaining counterclaims for invalidity, inequitable conduct, and laches/estoppel are DISMISSED WITHOUT PREJUDICE.

Alloc, Inc., Berry Finance N.V., and Välinge Innovation AB's motion to preclude Pergo's invalidity defenses and for partial summary judgment of no invalidity due to indefiniteness or sufficient written description of the RE 439, '267, '907, '410 and '579 patents is DISMISSED.

Alloc, Inc., Berry Finance N.V., and Välinge Innovation AB's claims against Pergo arising out of the RE 439, '267, '907, '410 and '579 patents are DISMISSED WITH PREJUDICE.

This action is hereby DISMISSED.

September 30, 2010
Date

JON W. SANFILIPPO
Clerk

s/ Linda M. Zik
(By) Deputy Clerk